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AMENDMENTS TO LB 95

(Amendments to Standing Committee amendments, AM0355)

1 1. Strike the original amendments and insert the
2 following new amendment:

3 "1. Strike the original sections and all amendments
4 thereto and insert the following new sections:

5 'Section 1. Section 60-6,211.08, Revised Statutes
6 Supplement, 2000, is amended to read:

7 60-6,211.08. (1) For purposes of this section:

8 (a) Alcoholic beverage means (i) beer, ale porter, stout,
9 and other similar fermented beverages, including sake or similar
10 products, of any name or description containing one-half of one
11 percent or more of alcohol by volume, brewed or produced from malt,
12 wholly or in part, or from any substitute therefor, (ii) wine of
13 not less than one-half of one percent of alcohol by volume, or
14 (iii) distilled spirits which is that substance known as ethyl
15 alcohol, ethanol, or spirits of wine in any form, including all
16 dilutions and mixtures thereof from whatever source or by whatever
17 process produced. Alcoholic beverage does not include trace
18 amounts not readily consumable as a beverage;

19 (b) Highway means a road or street including the entire
20 area within the right-of-way;

21 (c) Open alcoholic beverage container means any bottle,
22 can, or other receptacle:

23 (i) That contains any amount of alcoholic beverage; and

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1 (ii) (A) That is open or has a broken seal or (B) the
2 contents of which are partially removed; and

3 (d) Passenger area means the area designed to seat the
4 driver and passengers while the motor vehicle is in operation and
5 any area that is readily accessible to the driver or a passenger
6 while in their seating positions, including any compartments in
7 such area. Passenger area does not include the area behind the
8 last upright seat of such motor vehicle if the area is not normally
9 occupied by the driver or a passenger and the motor vehicle is not
10 equipped with a trunk.

11 (2) ~~It~~ Except as otherwise provided in this section, it
12 is unlawful for any person in the passenger area of a motor vehicle
13 to possess an open alcoholic beverage container while the motor
14 vehicle is located in a public parking area or on any highway in
15 this state.

16 (3) Except as provided in section 53-186 and subsection
17 (4) of this section, it is unlawful for any person to consume an
18 alcoholic beverage (a) in a public parking area or on any highway
19 in this state or (b) inside a motor vehicle while in a public
20 parking area or on any highway in this state.

21 (4) This section does not apply to persons who are
22 passengers in, but not drivers of, vehicles operated by carriers
23 authorized by the Public Service Commission to provide charter,
24 limousine, or special party service as defined in section 75-304.
25 Such passengers may possess open alcoholic beverage containers and
26 may consume alcoholic beverages while such vehicle is in a public
27 parking area or on any highway in this state, subject to the

1 following requirements:

2 (a) The driver of such vehicle is prohibited from
3 consuming or possessing alcoholic liquor;

4 (b) In the case of a special party service, the carrier
5 shall notify passengers at the time of reservation or purchase of
6 the special party service whether or not alcoholic beverages may be
7 consumed; and

8 (c) If a minor is found to be, or to have been, consuming
9 any alcoholic beverage while a passenger of a vehicle providing
10 such charter, limousine, or special party service, the contract
11 with the carrier shall be terminated and all passengers shall be
12 returned to the point of origin.

13 Sec. 2. Section 75-304, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 75-304. (1) The commission may establish, consistent
16 with subsection (2) of this section, such just and reasonable
17 classifications of groups of carriers, included in the terms common
18 carrier and contract carrier, as the special nature of the services
19 performed by such carriers require and adopt and promulgate such
20 just and reasonable rules, regulations, and requirements, to be
21 observed by the carrier so classified or grouped, as the commission
22 deems necessary or desirable in the public interest and as are
23 consistent with the provisions of sections 75-301 to 75-322.

24 (2) The following classifications of motor carrier
25 services subject to commission jurisdiction are established:

26 (a) Bus service, consisting of the following elements:

27 (i) The business of carrying passengers, (ii) who have hired such

1 service on a scheduled service basis or on a prearranged charter or
2 special party basis, (iii) by bus or van, (iv) either prearranged
3 or scheduled service, and (v) at a fare approved and on file with
4 the commission;

5 (b) Charter service, consisting of the transportation of
6 seven or more persons who collectively contract for transportation
7 on a particular trip paying one lump sum;

8 (c) Household goods moving service, consisting of the
9 following elements: (i) The business of carrying personal effects
10 and property used, or to be used, in a dwelling (ii) when the
11 transportation of such effects or property is arranged and paid for
12 by any party and (iii) includes transportation of property from a
13 factory, manufacturer, or store when the property is purchased with
14 the intent to use such property in a dwelling;

15 (d) Limousine service, consisting of the following
16 elements: (i) The business of carrying passengers for hire by a
17 vehicle, (ii) along a route under the control of the person who
18 hired the vehicle and not over a defined regular route, (iii) on a
19 prearranged and not on a demand basis, and (iv) at a premium fare,
20 as such fare is defined by the commission;

21 (e) Open class service, consisting of the following
22 elements: (i) The business of carrying passengers for hire by a
23 vehicle, (ii) along the most direct route between the points of
24 origin and destination or along a route under the control of the
25 person who hired the vehicle and not over a defined regular route,
26 and (iii) at a mileage-based or per-trip fare;

27 (f) Scheduled service, consisting of service by any

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1 regulated motor carrier who undertakes to transport passengers and
2 their baggage in intrastate commerce by motor vehicle for
3 compensation between fixed termini and over a specific highway or
4 highways upon an established or fixed schedule;

5 (g) Special party service, consisting of the
6 transportation of one or more persons who individually contract for
7 transportation to a common destination with each person paying an
8 individual sum; and

9 (h) Taxicab service, consisting of the following
10 elements: (i) The business of carrying passengers for hire by a
11 vehicle, the type of which may be established by the commission,
12 (ii) along the most direct route between the points of origin and
13 destination or a route under the control of the person who hired
14 the vehicle and not over a defined regular route, (iii) on a
15 prearranged or demand basis, (iv) at a metered mileage-based or
16 per-trip fare, and (v) commencing within or restricted to a defined
17 geographic area.

18 (3) All certificates and permits issued by the commission
19 shall be construed and interpreted, and the operations authorized
20 thereunder shall be tested and determined, in accordance with such
21 ~~classification so established~~ classifications and any rule,
22 regulation, or requirement prescribed by the commission relating to
23 such carrier so classified.

24 Sec. 3. Original section 75-304, Reissue Revised
25 Statutes of Nebraska, and section 60-6,211.08, Revised Statutes
26 Supplement, 2000, are repealed.'.'.